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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,746	06/27/2003	Joseph A. Pantelleria	HVCC.89175	7593

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EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,746

Applicant(s)

PANTELLERIA, JOSEPH A.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention as previously set forth. In response to applicant's traversal, it is noted the invention utilize several types of bonding for using between the disc and the tab. Thus, an election of species based on these specificities is proper. Furthermore, it is noted that claims 10-20 are specific to the embodiment of Figs. 3-4. Thus, there is no generic claim.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 10-13, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer-Jagenberg (2719663). Meyer-Jagenberg '663 teaches a closure having a body, a disc 3, a tab 2, a locking section at 5, note the adhesive pattern A surround the aperture. Furthermore, note the display of evidence of having been separated at edge 4.

3. Claims 10, 11, 12, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer-Jagenberg (2847151) in view of either Barnes et al. (2896839) or Johnson (3768719). Meyer-Jagenberg '151 teaches a closure having a disc 2 having an aperture 13, a tab 8 extending across the aperture with a connecting portion 6 connecting to the disc Meyer-Jagenberg meets all claimed limitations except for the adhesive adhered to the periphery of the aperture. Either Barnes or Johnson teaches that it is known in the art to provide resalable adhesive around the aperture. It would have been obvious to one of ordinary skill in the art to provide adhesive adhered to the periphery of the aperture in Meyer-Jagenberg as taught by either Barnes or Johnson to keep the content secured.

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Regarding claims 12 and 13, the adhesive material in either Barnes or Johnson, inherently would have torn fibers from either the tab or the disc. There is no difference between the adhesive as set forth in the claim and the adhesive in either Barnes or Johnson.

4. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Meyer-Jagenberg '151 rejection, as set forth above, and further in view of Schmidt (6082614). It would have been obvious to one of ordinary skill in the art to provide perforation in the tab in the combination of Meyer-Jagenberg to provide added security.

5. Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Negoro (2926832) in view of either Barnes et al. or Johnson. Negoro teaches a closure having a disc 72 having an aperture 64 (note the aperture is formed after the opening), a tab 62 extending across the aperture with a connecting portion connecting to the disc. Negoro meets all claimed limitations except for the adhesive adhered to the periphery of the aperture. Either Barnes or Johnson teaches that it is known in the art to provide resalable adhesive around the aperture. It would have been obvious to one of ordinary skill in the art to provide adhesive adhered to the periphery of the aperture in Meyer-Jagenberg as taught by either Barnes or Johnson to keep the content secured.

6. Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Negoro rejection as set forth above, and further in view of Kuchler (2858060). To the degree it is argued that the Negoro combination does not teach the aperture. Kuchler teaches that it is known in the art to provide an aperture as shown in Fig. 10. It would have been obvious to one of ordinary skill in the art to provide an aperture in Negoro as taught by Kuchler to provide an alternative for dispensing the contents.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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